

AGENDA MEMO

CITY COUNCIL MEETING DATE: MAY 2, 2007

DEPARTMENT: PLANNING AND DEVELOPMENT

ITEM DESCRIPTION: RQR-19512 - APPLICANT/OWNER: NANCY ESTOCADO

**** CONDITIONS ****

STAFF RECOMMENDATION: APPROVAL, subject to:

Planning and Development

1. Conformance to the conditions of approval for Special Use Permit (SUP-7299) and all other site related actions.

**** STAFF REPORT ****

PROJECT DESCRIPTION

This is a request for a Required One Year Review of an approved Special Use Permit (SUP-7299) for a proposed Horse Corral or Stable (Commercial) for 33 horses on 4.94 acres at 5820 West La Madre Way.

The continued use of the subject Horse Corral or Stable (Commercial) is considered appropriate at this location. The Horse Corral or Stable (Commercial) was inspected on 04/11/07 and found to be in conformance to the conditions of approval from the original application SUP-7299. Additionally, since approval of the Special Use Permit, no complaints or problems have been noted. Therefore, staff is recommending approval of this Required Review with no additional review required.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc.</i>	
09/20/00	The City Council approved a request for a Special Use Permit (U-0096-00) for a Horse Corral or Stable (Commercial) for 28 horses on 4.5 acres adjacent to the northwest corner of Leon Avenue and Rosada Way (approximately 350 feet north of the subject property). The Planning Commission and staff recommended approval of the application. (The number of horses was later increased to 58 – see the 03/02/05 date below.)
11/23/04	The Neighborhood Response Division of the Neighborhood Services Department processed a complaint concerning commercial events. An inspection on 11/27/04 revealed the following: “Having numerous commercial events which bring additional traffic and noise to area and are certain this is being done without permits or without permits from the Health Department for the numerous food items being sold. Owners stated they have permission from the City. Area is zoned R-E. There is no type of commercial zoning designated for this property.” The case was resolved on 11/30/2004.
03/02/05	The City Council approved a request for a Review of Condition (ROC-5988) for an approved Special Use Permit (U-0096-00) to allow 58 horses where a maximum of 28 horses were allowed for a Horse Corral or Stable (Commercial) at 5770 West Rosada Way (approximately 350 feet north of the subject property). The staff recommended approval.

03/08/05	The Code Enforcement Division processed a complaint concerning the smell from cows and manure on the property. An inspection on 03/09/05 revealed the following violations: "High weeds on all areas of property including right of way areas; refuse and waste on property; maintain and dispose of all horse and bovine manure at all times; usable items stored on property in public view; Land use – Special Use Permit required for bovines; Vehicles on unimproved surface; recreational vehicles/trailers on unimproved surface; an excessive number of vehicles on property." The case was resolved on 05/18/2005.
09/21/05	The City Council approved a Special Use Permit (SUP-7299) for a proposed Horse Corral or Stable (Commercial) for 33 horses and accompanying applications for a Variance (VAR-7303) and a Site Development Plan Review (SDR-7306) on the subject property. The Planning Commission and Staff recommended approval.
04/11/07	A site inspection was conducted. A total of 28 horses were counted and the subject site was found to be in compliance with conditions.
<i>Related Building Permits/Business Licenses</i>	
02/14/06	A building permit (#6001180) was issued for the subject property. No final inspection was conducted.
03/08/06	A business license (R19-00004) for Horse Rentals was issued for the subject property.
<i>Pre-Application Meeting</i>	
A pre-application meeting is not required, nor was one held.	
<i>Neighborhood Meeting</i>	
A neighborhood meeting is not required, nor was one held.	

<i>Details of Application Request</i>	
<i>Site Area</i>	
Net Acres	4.94

Surrounding Property	Existing Land Use	Planned Land Use	Existing Zoning
Subject Property	Horse Corral	R (Rural Density Residential)	R-E (Residence Estates)
North	Horse Corral	R (Rural Density Residential)	R-E (Residence Estates)
South	Single Family Residential	R (Rural Density Residential)	R-E (Residence Estates)
East	Single Family Residential	ML (Medium Low Density Residential)	R-PD9 (Residential Planned Development – 9 Units per Acre)
West	Single Family Residential	R (Rural Density Residential)	R-E (Residence Estates)

<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
Special Area Plan		X	N/A
<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
Special Purpose and Overlay Districts			
A-O Airport Overlay District (175-Foot)	X		Y
Trails		X	N/A
Rural Preservation Overlay District	X		Y
Development Impact Notification Assessment		X	N/A
Project of Regional Significance		X	N/A

ANALYSIS

The original application, Special Use Permit (SUP-7299), along with the associated Variance and Site Development Plan Review were conditioned to ensure that the surrounding single family residences would be minimally effected by the subject Horse Corral or Stable (Commercial). A site visit yielded that the subject property is in compliance with the conditions of approval. A total of 28 horses were counted, where 33 are the maximum allowed. No cattle were found on the property and it appeared to be clean and in good working order. As such approval of this request is recommended.

Conditions of approval from SUP-7299:

1. No more than 33 horses shall be boarded for commercial purposes on the subject property.
2. Cattle shall be removed from the premises prior to operation of the Horse Corral or Stable (Commercial). Roping steers may be brought to the premises during scheduled practice times, provided they are removed the same day as the scheduled practice.
3. The Horse Corral or Stable (Commercial) shall be subject to the following restrictions:
 - Stalls shall be cleaned twice daily.
 - The hours of operation shall be restricted to 6:30 am to 9:00 pm Monday through Friday and 6:30 am to 10 pm Saturday and Sunday.
 - Horse trainers shall carry liability insurance.
 - A horse boarding employee/owner shall be present at all times or within five minutes access time. A cell phone communication system shall be in place at all times.
4. Conformance to all other minimum requirements under Title 19.04.050 for a Horse Corral or Stable (Private) and other requirements of Title 19, except for those requirements for which a Variance (VAR-7303) may be granted.
5. Approval of and conformance to the conditions of approval for applications for a Site Development Plan Review (SDR-7306).

6. This Special Use Permit shall expire two years from the date of final approval, unless it is exercised or an Extension of Time is granted by the City. This use shall be reviewed within one year after establishment of the operation at which time the City Council may require the use to cease or require such measures as are necessary to ameliorate the effects of the use. The applicant shall be responsible for notification costs of the review. Failure to pay the City for these costs may result in a requirement that the use cease at this location.
7. All City code requirements and design standards of all City departments must be satisfied.

FINDINGS

The continued use of the subject Horse Corral or Stable (Commercial) is considered appropriate at this location. The Horse Corral or Stable (Commercial) was inspected on 04/11/07 and found to be in conformance to the conditions of approval from the original application SUP-7299. Additionally, since approval of the Special Use Permit, no complaints or problems have been noted. Therefore, staff is recommending approval of this Required Review with no additional review required.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED N/A

ASSEMBLY DISTRICT N/A

SENATE DISTRICT N/A

NOTICES MAILED 206

APPROVALS 0

PROTESTS 0